

Honorable Robert J. Bryan

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

Angela Kee
5312 S. Cedar St.
Tacoma, WA 98409

and

Angela Gustin
7827 S. Ainsworth Ave.
Tacoma, WA 98408

Plaintiffs,

v.

Evergreen Professional Recoveries, Inc.,

Defendant.

No. C09-5130 RJB

DECLARATION OF COUNSEL
IN SUPPORT OF DEFENDANT'S
MOTION FOR FEES AND COSTS

1. I, Kimberlee Walker Olsen, am over the age of 18 and competent to
be a witness herein. My firm is counsel for the Defendant, Evergreen Professional

DECLARATION OF COUNSEL IN SUPPORT
OF MOTION FOR FEES AND COSTS - 1
CASE NO. C09-5130 RJB

Luke, Casteel & Olsen, PSC
3400 188th Street SW, Suite 484
Lynnwood, WA 98037
425-744-0411
425-771-3490 (Facsimile)

1 Recoveries, Inc.

2 2. I have been practicing law since 1999 and have defended collection
3 agencies in both state and federal court. I currently charge \$210 per hour, but
4 agreed to represent Evergreen in this action for \$190 per hour. These rates are
5 reasonable for an attorney with my level of experience.
6

7 3. On June 16th I sent the letter to Kee's counsel; requesting voluntary
8 dismissal and providing the Rule 11 notice. Dkt. #15, Ex. 4. When the claims were
9 not voluntarily dismissed I had to participate in the Rule 26(f) Conference, review
10 and discuss the Joint Status Report. I then began to prepare the Motion for
11 Summary Judgment. Kee served discovery on my client, and I prepared a set of
12 discovery requests for each Plaintiff. (See Ex.1 attached)
13

14 4. A total of 19.8 hours was incurred on this matter for total (billable)
15 charges of \$3,196.00 through August 19, 2009. Attached hereto as Ex. 2 are two
16 pages showing the time entries and billing for this matter.
17

18 5. Of the total of \$3,196.00 in fees incurred by my client, \$209.00 was
19 spent on discovery particular to Angela Gustin, and is not requested in Defendant's
20 motion. An additional \$570.00 was incurred in the preparation of the fee motion
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25 DECLARATION OF COUNSEL IN SUPPORT
26 OF MOTION FOR FEES AND COSTS - 2
CASE NO. C09-5130 RJB

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1 and declaration. Total fees applicable: \$3,557.00.
2

3
4 I declare under penalty of perjury that the foregoing is true and correct.

5
6 DATED: August 27, 2009.

7
8 /s/ Kimberlee Walker Olsen
9 Kimberlee Walker Olsen, WSBA # 28773
10 Attorney for Defendant
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25 DECLARATION OF COUNSEL IN SUPPORT
26 OF MOTION FOR FEES AND COSTS - 3
CASE NO. C09-5130 RJB

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Exhibit 1

**LEGAL
HELPERS, PCTM**
America's Consumer Law Firm

Richard J. Meier, Esq.
rjm@legalhelpers.com
312.753.7574

LUKE, CASTEEL & OLSEN, PSC

July 7, 2009

JUL - 9 2009

**SENT VIA EMAIL AND
ORDINARY US MAIL**

Luke, Casteel & Olsen, PSC
Kimberlee Walker Olsen
3400 188th Street SW, Suite 484
Lynnwood, WA 98037
kolsen@lukecasteel.com

COPY RECEIVED

Re: Kee, et al. v. Evergreen Professional Recoveries, Inc.

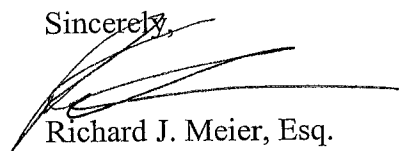
Counselor,

Enclosed please find the following documents:

1. Plaintiff's First Set of Requests for Admissions;
2. Plaintiff's First Set of Requests for Production of Documents; and
3. Plaintiff's First Set of Interrogatories.

If you have any questions, please feel free to contact me.

Sincerely,



Richard J. Meier, Esq.

Exhibit 2

LUKE, CASTEEL & OLSEN, PSC
 3400 188th Street S.W.
 Suite 484
 Lynnwood, WA 98037

Invoice submitted to:

Evergreen Professional Recoveries, Inc.
 12100 NE195th St. #325
 Bothell WA 98011
 Kenneth A. Ross

August 27, 2009

In Reference To: Defend FDCPA lawsuit against Angela Kee

Professional Services

			<u>Hrs/Rate</u>	<u>Amount</u>
3/25/2009	PAR	Research Bankruptcy Court records - Angela Kee and Angela Gustin	0.40 40.00/hr	16.00
	KWO	Review new lawsuit by Legal Helpers and account notes, review Bankruptcy Schedules	0.50 190.00/hr	95.00
3/24/2009	PAR	Draft Notice of Appearance	0.20 60.00/hr	12.00
5/7/2009	PAR	Scan Waiver; Email to Lofgren; Letter to Lofgren	0.20 40.00/hr	8.00
5/29/2009	KWO	Review additional bankruptcy records, review docket and update case schedule, file Notice of Appearance	0.40 190.00/hr	76.00
6/12/2009	KWO	Draft letter to Meier - request voluntary dismissal based on judicial estoppel/Rule 11 warning	0.70 190.00/hr	133.00
6/16/2009	KWO	Revise letter to Meier regarding dismissal of case	0.20 190.00/hr	38.00
6/19/2009	KWO	Review e-mail from Meier and amended bank schedules	0.20 190.00/hr	38.00
	KWO	Review file; e-mail to Meier; e-mail to client	0.20 190.00/hr	38.00
6/24/2009	KWO	Exchange e-mails with opposing counsel regarding settlement	0.20 190.00/hr	38.00
7/6/2009	KWO	Review proposed Joint Status Report, review file	0.40 190.00/hr	76.00
	KWO	Telephone conference with Meier regarding Joint Status Report; e-mail Defendant's statement to supplement	0.30 190.00/hr	57.00
7/7/2009	KWO	Draft Interrogatories and Requests for Production for Kee	0.70 190.00/hr	133.00
	KWO	Draft Interrogatories and Requests for Production for Gustin	0.70 190.00/hr	133.00

Evergreen Professional Recoveries, Inc.

Page 2

			<u>Hrs/Rate</u>	<u>Amount</u>
7/8/2009	KWO	Work on revisions to Interrogatories and Requests for Production - Kee	0.40 190.00/hr	76.00
	KWO	Work on revisions to Interrogatories and Requests for Production - Gustin	0.40 190.00/hr	76.00
7/17/2009	KWO	Work on Kee Declaration in Support of Motion for Summary Judgment of Kee's Claims	0.70 190.00/hr	133.00
7/20/2009	KWO	Work on Kee Motion for Summary Judgment: Argument/Authority section	0.40 190.00/hr	76.00
7/23/2009	KWO	Work on Motion for Partial Summary Judgment; revise and review selection of Exhibits, revise Declaration of Counsel and revise argument section	1.30 190.00/hr	247.00
7/24/2009	KWO	Finalize all documents and file via ECF	0.50 190.00/hr	95.00
7/15/2009	PAR	Draft Motion for Summary Judgment	0.80 60.00/hr	48.00
7/21/2009	PAR	Work on Order Granting Partial Summary Judgment; Declaration in Support of Partial Summary Judgment; Defendant's Motion for Partial Summary Judgment	0.70 60.00/hr	42.00
7/23/2009	PAR	Work on Partial Summary Judgment; Declaration of Counsel	0.20 40.00/hr	8.00
7/24/2009	PAR	Work on Partial Summary Judgment; Declaration of Counsel; Exhibit tabs; Proof Motion for Partial Summary Judgment	0.50 40.00/hr	20.00
	PAR	Draft Answers to Interrogatories; Responses to Requests for Production and Admissions	1.00 40.00/hr	40.00
8/3/2009	KWO	Review/revise paralegal draft of Initial Disclosures	0.20 190.00/hr	38.00
	KWO	Review Kee and Gustin's Initial Disclosures	0.20 190.00/hr	38.00
8/11/2009	KWO	Review Response of Kee to our Motion for Summary Judgment	0.50 190.00/hr	95.00
	KWO	Begin Reply Brief	1.30 190.00/hr	247.00
8/12/2009	KWO	Work on Reply Brief: research waiver of Attorney-Client privilege, additional estoppel cases	1.20 190.00/hr	228.00
8/13/2009	KWO	Revise Motion to Strik; draft "Inadvertent Error" Argument sections; revise	3.10 190.00/hr	589.00
8/14/2009	KWO	Finalize Reply Brief; file	0.80 190.00/hr	152.00
8/19/2009	KWO	Review Court Order Granting Partial Summary Judgment	0.30 190.00/hr	57.00
For professional services rendered			19.80	\$3,196.00

Additional Charges :

			<u>Qty/Price</u>	
3/25/2009	PAR	Record Search Costs	1 2.64	2.64